

REMARKS

Application Status

Claims 1-28 are pending.

Claims 1-28 were rejected pursuant to 35 U.S.C. § 112, second paragraph.

Claims 1, 3, 5-6, 24, and 26 were rejected pursuant to 35 U.S.C. § 102(b) over Graef (US 4,494,747).

Claims 7-10 and 14-23 were rejected pursuant to 35 U.S.C. § 102(b) over Graef in view of Beskitt (US 6,302,393).

Claims 11-13 were rejected pursuant to 35 U.S.C. § 103(a) over Graef in view of Beskitt and Peters (US 5,267,826).

Claims 2, 4, 25, and 27-28 were indicated allowable if rewritten in an independent form (and overcame the 35 U.S.C. § 112, second paragraph, rejections).

The Amendment

The claims 2, 4, 25, and 27 have been rewritten in an independent form as requested by the Office. Entry of the amendment is respectfully requested. No new matter has been added. Reconsideration is respectfully requested.

Applicants respectfully submit that amended claims 2, 4, 25, and 27 avoid the objections because they recite the subject matter indicated allowable by the Office. The amended claims do not raise the issue of new matter because the subject matter therein has already been claimed and examined (and indicated allowable). The amendment also does not present additional claims. Nor do the amended claims present new issues requiring further consideration or search, because the subject matter therein was previously claimed and examined. Furthermore, the claims have

been amended as recommended by the Office. Additionally, in like manner, even an amendment after an appeal is permitted entry to rewrite dependent claims into independent form (37 CFR § 41.33(b)(2) and MPEP § 1206). For these reasons, Applicants respectfully submit that the amendment should be entered.

The 35 U.S.C. § 112, Second Paragraph, Rejections

The Action alleges that claims 1-28 are indefinite. Applicants respectfully traverse the rejections. The reason provided is because in "step (d) of claims 1 and 24, it is unclear how the at least one additional note is moved in the second direction relative to the first note if the first note is already moving in the second direction. If the notes are moving at the same speed in the same direction, then the at least one additional note is not moving relative to the first note."

First, it is unclear why claims 26-27 are rejected pursuant to 35 U.S.C. § 112, second paragraph. Claim 26 is an independent claim. That is, claims 26-27 do not depend on either claim 1 or claim 24.

Secondly, Applicants respectfully submit that the Office misinterprets the claims. Claims 1 and 24 do not require that additional notes and the first note move "at the *same* speed in the same [second] direction" as alleged. For example, original claim 2 recited moving an additional note "more rapidly" than the first note.

Applicants respectfully submit that claims 1-28 are not indefinite. Thus, the 35 U.S.C. § 112, second paragraph, rejection should be withdrawn.

The 35 U.S.C. § 102(b) Rejections

Applicants respectfully traverse the rejections. Applicant Graef is quite familiar with his Graef patent (US 4,494,747). The applied patent does not anticipate the claims. The Graef patent does not teach moving an extra note in a reversed direction "relative to" a picked note during a movement of the picked note in the reversed direction.

The Applicants respectfully submit that the Office misinterprets the relied upon col. 12 section of Graef. As the drive for the picker roller (28) is reversed to drive the note collection (i.e., including the extra note) back into the stack, the stripper rollers (44) "are *not* driven in a reverse direction" (i.e., the direction reversed from their stripping direction) due to the action of the one-way clutch (24a) (Figure 12). When the drive for the picker roller (28) is reversed, the one-way clutch (24a) overruns (i.e., freely rotates), and the stripper rollers (44) are not driven in their reverse direction.

An extra note is located between the picker roller (28) and the stripper rollers (44). If the stripper rollers (44) were allowed to be driven in their reverse direction (during reversal of the picker roll 28), then they would act to pull the extra note away from the stack. If the stripper rollers (44) remained stationary (i.e., did not freely rotate) during reversal of the picker roller (28), then the extra note couldn't be returned to the stack. This is because the friction between a stationary stripper roller and the extra note is greater than the friction between the extra note and the (first) note intended to be picked (e.g., col. 11, lines 15-27). Thus, the one-way clutch (24a) enables the stripper rollers (44) to freely rotate so the extra note can be returned to the stack. As a result, both the first note and the extra note are moved together as a unit toward the stack. That is, the one-way clutch (24a) enables the movement of the "note collection back into the stack"

(col. 11, lines 15-16). It follows that Graef does not teach that the extra note moves *relative* to the first note *while* they are both moving in the reverse direction. Graef does not teach relative movement during commonality of movement.

Graef does not teach "moving the at least one additional note in the second direction relative to the first note while the first note moves in the second direction" (claim 1); "moving at least one note in the second direction relative to the first note while the first note moves in the second direction" (claim 24); or "moving an overlying note of the at least two notes in engagement with the at least one stripper member in the second direction relative to the picked note while the picked note moves in the second direction and is not engaged with the at least one stripper member" (claim 26). Thus, Graef does not anticipate the claims.

The Dependent Claims

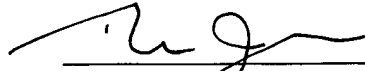
Each of the dependent claims depends directly or indirectly from an independent claim. Thus, it is asserted that the dependent claims are allowable on at least the same basis. Furthermore, each of the dependent claims additionally recites specific features and relationships that patentably distinguish the claimed invention over the applied art. The reference(s) do not teach or suggest the features and relationships that are specifically recited in the dependent claims. Thus, it is respectfully submitted that the dependent claims are further allowable due to the recitation of such additional features and relationships.

Conclusion

Applicants respectfully submit that this application is in condition for allowance.

The undersigned is willing to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,



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